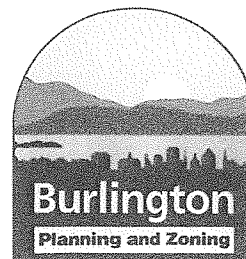


## Department of Planning and Zoning

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7142 (TTY)

David White, AICP, Director  
Ken Lerner, Assistant Director  
Sandrine Thibault, AICP, Comprehensive Planner  
Jay Appleton, GIS Manager  
Scott Gustin, AICP, Senior Planner  
Mary O'Neil, AICP, Senior Planner  
Nic Anderson, Zoning Clerk  
Elsie Tillotson, Department Secretary



**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** August 19, 2014  
**RE:** 15-0100CU/HO; 1540 North Avenue

---

**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: RL                      Ward: 7

Owner/Representative: Stonehouse Properties, LLC / Linda Letourneau

**Request:** Change use from daycare to single family home with home occupation contractor's office

**Applicable Regulations:** Article 3 (Applications and Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), and Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval to convert an existing daycare back to a single family home with an associated home occupation. No site or exterior building construction is included in this application. No customers would come to the premises.

Previous zoning actions for this property are noted below.

- 3/9/06, Approval to install replacement freestanding sign for small daycare
- 3/19/99, Approval to install freestanding sign for small daycare
- 10/27/97, Approval for parallel sign for small daycare
- 1/6/97, Approval to establish small daycare center in place of existing single family home
- 6/5/95, Approval for home occupation tarpaulin business in single family home

**Recommendation:** Consent approval as per, and subject to, the following findings and conditions.

### **I. Findings**

#### **Article 3: Applications and Reviews**

##### **Part 5, Conditional Use & Major Impact Review:**

*(1) The capacity of existing or planned community facilities;*

The proposed conversion from a small daycare (with up to 20 children) to a single family home with a home occupation will likely entail reduced impacts on community facilities currently serving the residence. **(Affirmative finding)**

*(2) The character of the area affected;*

The neighborhood is relatively heterogeneous for the New North End. It includes a mix of single family homes, duplexes, and some small scale commercial properties. The large multi-family development, Franklin Square, is behind the subject property. The Residential Low Density zoning district, wherein the subject property is located, is intended primarily for single family homes and duplexes. Insofar as this proposal will convert a daycare facility back to a single family home, it is consistent with the intent of the RL zone. Home occupations are allowed in this zone, subject to the restrictions of Section 5.4.6 of the CDO as noted in these findings. The proposed home occupation will take place entirely indoors and entails no customer or delivery vehicle traffic. As such, it will be largely invisible from the outside and will not adversely impact the character of the area. **(Affirmative finding)**

*(3) Traffic on roads and highways in the vicinity;*

No customers will come to the premises, nor will any delivery vehicles. In addition to the small office space, the applicant will have supplies stored in the garage delivered by himself. Although no traffic analysis has been provided (or is needed for a project of this scale), traffic impacts associated with the proposed use will likely be substantially less than those associated with the daycare facility. **(Affirmative finding)**

*(4) Bylaws then in effect;*

As conditioned, the application is consistent with applicable bylaws. **(Affirmative finding)**

*(5) Utilization of renewable energy resources;*

Not applicable.

*(6) Cumulative impacts of the proposed use;*

The proposed home occupation is not expected to generate any significant impacts, cumulative or otherwise. **(Affirmative finding)**

*(7) Functional family;*

Not applicable.

*(8) Vehicular access points;*

The subject property is served by a private driveway. The home occupation does not require any modification to it. **(Affirmative finding)**

*(9) Signs;*

No exterior signs are proposed for the home occupation. **(Affirmative finding)**

*(10) Mitigation measures;*

The proposed home occupation does not result in impacts warranting mitigation measures. **(Affirmative finding)**

*(11) Time limits for construction;*

No construction schedule is needed for this proposal. **(Affirmative finding)**

*(12) Hours of operation and construction;*

Insofar as no customers come to the premises, and onsite work associated with the home occupation is limited to office work, days and hours of operation have not been specified and do not need to be. **(Affirmative finding)**

*(13) Future enlargement or alterations;*

Any future enlargement or alterations of the home occupation will require additional permit review per the regulations in effect at that time.

*(14) Performance standards;*

Not applicable.

*(15) Conditions and safeguards;*

See proposed conditions of approval.

**Article 4: Maps & Districts**

***Sec. 4.4.5, Residential Districts:***

***(a) Purpose***

***(1) Residential Low Density (RL)***

The subject property is located in the RL zone. This zone is intended primarily for single family homes and duplexes. The primary use will change to that of a single family home. **(Affirmative finding)**

***(b) Dimensional Standards & Density***

Not applicable.

***(c) Permitted & Conditional Uses***

The single family home a permitted use in the RL zone. The proposed home occupation may be conditionally permitted. **(Affirmative finding)**

***(d) District Specific Regulations***

Not applicable.

**Article 5: Citywide General Regulations**

**Part 4: Special Use Regulations**

***Sec. 5.4.6, Home Occupations***

*1. A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL and WRL districts and no more than two (2) full-time equivalent employees in other districts. The home occupation shall be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.*

The home occupation will be conducted by one resident occupant and one outside employee. The contractor's office home occupation will take place entirely within the residence. Supplies will be kept within the detached garage. **(Affirmative finding)**

*2. No more than thirty-five percent (35%) of the floor area of said residence, including accessory structures, up to a maximum of seven hundred fifty (750) square feet, whichever is less, shall be used for such purpose.*

The home and garage total 2,234 sf. The proposed home occupation space will total 440 sf. This area is 19.7% of the 2,234 sf home and garage total and is acceptable. **(Affirmative finding)**

*3. No home occupation shall require alterations, construction or equipment that would change the fire rating of the structure or the fire district in which the structure is located.*

The home occupation does not result in a change to the fire rating of the structure. **(Affirmative finding)**

*4. There shall be no outside storage of any kind related to the home occupation.*

No outside storage is proposed. **(Affirmative finding)**

*5. There shall be no exterior evidence of the conduct of a home occupation except for: Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each); and One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.*

No garage/lawn/yard type sales are included in this proposal. No outdoor sign is proposed. **(Affirmative finding)**

*6. No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.*

No customers will come to the premises, nor will there be any delivery vehicles. **(Affirmative finding)**

*7. No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit.*

The home occupation as proposed will not generate any nuisance or unsightliness discernible from the exterior. **(Affirmative finding)**

*8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.*

The proposed home occupation is clearly incidental to the newly proposed primary residential use of the property. Onsite work is limited to office work. Storage space within the detached garage will contain supplies. There will be no evidence of the home occupation as perceived from outside. **(Affirmative finding)**

*9. Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day.*

No commercial delivery vehicles will serve the home occupation. **(Affirmative finding)**

*10. With the exception of one delivery per day, as specified in subparagraph (9), no more than one commercial vehicle shall be allowed on the premises at any one time; and*

One commercial vehicle, a box truck, is associated with the home occupation. The applicant also owns a personal vehicle. Both will be kept onsite. **(Affirmative finding)**

*11. There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.*

No sale of goods will take place onsite. The proposed contractor's office will be to support offsite work. **(Affirmative finding)**

### **Article 8: Parking**

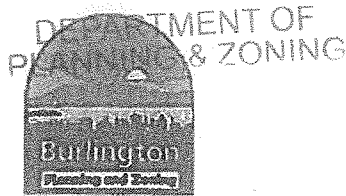
The single family home requires 2 parking spaces. The home occupation requires one space for the box truck. The previous daycare facility used 7 parking spaces onsite (up to 9 including 2 tandem). Existing parking is more than adequate. The applicant is encouraged to remove some of this parking to increase green space onsite more consistent with the character of the RL zone. **(Affirmative finding)**

### **II. Conditions of Approval**

1. The applicant/Property Owner is encouraged to remove some of the parking area behind the home to increase green space more consistent with the character of the RL zone. Such removal will require an administrative zoning permit.
2. The Applicant/Property Owner is responsible for obtaining all necessary permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
3. Any changes to the home occupation as proposed shall require an amendment to the home occupation permit approval.
4. The applicant is responsible for complying with all representations disclosed on the Home Occupation Questionnaire.
5. Standard permit conditions 1-15.

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**Department of Planning and Zoning**  
149 Church Street, City Hall  
Burlington, VT 05401-8415  
Phone: (802) 865-7188  
Fax: (802) 865-7195  
[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

*Penses 7/28*

## Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

**PROJECT LOCATION ADDRESS:** 1540 North Avenue Burlington, VT

**PROPERTY OWNER\*:** Stonehouse Properties LLC

\*If condominium unit, written approval from the Association is also required

**APPLICANT:** Redstone- Linda Letourneau

**POSTAL ADDRESS:** 86 Lake Street

**CITY, ST, ZIP:** Burlington VT 05401

**DAY PHONE:** 8653450

**EMAIL:** dgfoca@aol.com

**POSTAL ADDRESS:** 210 College Street

**CITY, ST, ZIP:** Burlington VT 05401

**DAY PHONE:** 3432107

**EMAIL:** lletourneau@redstonevt.com

**SIGNATURE:** *[Signature]*  
I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.

**SIGNATURE:** *[Signature]*

**Description of Proposed Project:** change of use from daycare to residential rental with at home contractor's office

**Existing Use of Property:** ☐ Single Family ☐ Multi Family: #\_\_\_ Units ☒ Other: daycare

**Proposed Use of Property:** ☒ Single Family ☐ Multi Family: #\_\_\_ Units ☒ Other: res rental with contractors office

**Will 400 sq ft or more of land be disturbed, exposed and/or developed?** Yes ☐ No ☒

(If yes, you will need to provide the 'Erosion Prevention and Sediment Control Plan' questionnaire with a site plan)

**For Single Family & Duplex, will total impervious area be 2500 sq ft or more?** Yes ☐ No ☒

(If yes, you will need to provide the 'Stormwater Management Plan' questionnaire with a site plan)

**Are you proposing any work within or above the public right of way?** Yes ☐ No ☒

(If yes, you will need to receive prior approval from the Department of Public Works)

**Estimated Construction Cost (value)\*: \$0**

(\*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

- Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit).
- A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire.
- Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

**Office Use Only:** Zone: R1 Eligible for Design Review? ☐ Age of House 1922 Lot Size 17190

Type: SN \_\_\_ AW \_\_\_ FC \_\_\_ BA \_\_\_ COA 1 \_\_\_ COA 2 \_\_\_ COA 3 \_\_\_ CU \_\_\_ MA \_\_\_ VR \_\_\_ HO \_\_\_ SP \_\_\_ DT \_\_\_ MP \_\_\_

Check No. \_\_\_ Amount Paid \_\_\_ Zoning Permit # \_\_\_

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## Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

*Revised 7/28*

### Home Occupation Application Questionnaire

Use this checklist for all applications for a home occupation - See Sec. 5.4.6 of the Zoning Ordinance. This questionnaire is provided to summarize details and is required to accompany a zoning permit application form and required fee (for either administrative approval or conditional use review).

#### Please note:

1. The specific requirements for home occupations can be found in Section 5.4.6 of the Comprehensive Development Ordinance which is available in its entirety on our website at [www.ci.burlington.vt.us/planning](http://www.ci.burlington.vt.us/planning)
2. A 'Business Personal Property Registration Form' may be required to be submitted to the Assessors Office. This form is available at [www.ci.burlington.vt.us/assessor/businesses](http://www.ci.burlington.vt.us/assessor/businesses)

Name of Business Proposed: Boucher Plumbing

Type of Business Proposed: Contractor home office + storage in garage

Provide a detailed description of the proposed Home Occupation such as: activities involved, materials and equipment used; quantities of materials and equipment stored on-site; methods of operation; hours of operation. This may be done on a separate piece of paper and attached.

#### Please respond to the following:

1. How many persons will be involved or employed in the conduct of the proposed Home Occupation?  
Residents of premises: 1 Others 1 Total Number 2
2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.). Explain:  
None. Paperwork office and garage storage  
160 SF + 280 SF
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:  
None
4. Describe what rooms will be used in the conduct of the Home Occupation and how these rooms will be used. (For example: garage will be used to store supplies; or den will contain desk and file cabinets, etc.). Indicate the gross floor area(s) that will be used in the conduct of the Home Occupation. Indicate the total gross floor areas of your house and include any accessory structure(s) to be used for the Home Occupation, (Ex. Garage).  
at entry - side room - Desk, file cabinet, phone fax etc  
Approx. 400 sq ft  
total house 980 SF + 280 SF garage + 400 SF = 1660 SF  
attached floor plan 1260 SF + 400 SF = 1660 SF
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity:  
nothing different than the house electric service *see Assessor's info*
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:  
garage storage - contractor parts + supplies

PLEASE TURN OVER

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Reuser 7/28

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PLANNING & ZONING

Will people come to your home to obtain any product or utilize any service connected with the proposed Home

Occupation activity? Yes \_\_\_\_\_ No X

If yes, please explain in detail:

\_\_\_\_\_

- 8 Are any signs necessary or proposed relative to the Home Occupation?

Yes \_\_\_\_\_ No X

If yes, you are required to file for a Sign Permit. An application form can be obtained at the Planning and Zoning Department or on our website.

- 9 If trucks or other equipment will be used in your Home Occupation, where will they be parked or stored?

Yes sometime a box truck  
pick up is personal

- 10 Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes \_\_\_\_\_ No X

If yes, please explain:

\_\_\_\_\_

- 11 How many parking spaces will be provided for the home occupation? 3-(three) See attached sketch  
Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission.

- 12 Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yes X No \_\_\_\_\_

We suggest checking your deed for conditions, covenants and restrictions.

I have read and understand 'Sec 5.4.6 Home Occupations' under the City of Burlington Comprehensive Development Ordinance and believe that to the best of my knowledge my proposed Home Occupation would not violate any portion of said Ordinance:

Applicant's Signature: Walter H. Humeau

Date: 7/15/2014

Property Owner's Signature: [Signature]

Date: \_\_\_\_\_



# EXTERIOR INFORMATION

Type	307 - DAYCARE	Rating	
SY Hb	1.75 - 1.75	Rating	
LV/Unit	1	Rating	
Foundation	C - CONCRETE	Rating	
Frame/W	- Wood	Rating	
Prime Wall	ST - STONE	Rating	
Sec Wall		Rating	
Roof Struct	GB - GABLE	Rating	
Roof Cover	AS - ASPHALT SH	Rating	
Color		Rating	
Flow/Descr		Rating	

# GENERAL INFORMATION

Grade/A	- AVERAGE
Year Bld	1970
Alt Loc	
Unsold	
Cons Mod	
Lump Sum Adj	

# INTERIOR INFORMATION

Avg Hb/Ft	
Prim n Wall	PL - PLASTER
Sec Int Wall	
Partion	
Prim Floor	HW - HARDWOOD
Sec Floor	SW - SOFTWOOD
Basmt Ftr	C - CONCRETE BMT
Basmt Gar	
Electric	T - TYPICAL
Insulation	T - TYPICAL
Int vs Ext	
Heat/Fuel	G - GAS
Heat Type	HA - HOT AIR
% Heat Sys	1
% AC	
Boat HW	NO
% Com Wal	% Sprinkled

# BATH FEATURES

Full Bath	1	Rating	
A Bath		Rating	
3/4 Bath		Rating	
A 3/4 Bath		Rating	
1/2 Bath		Rating	
A 1/2 Bath		Rating	
Other Ftr		Rating	

# OTHER FEATURES

Kitch	1	Rating	
A Kitch		Rating	
Encl		Rating	
WSE/Use		Rating	

# CONDO INFORMATION

Location	
Total Units	
Floor	
% Own	
Name	
Total	17.4%

# DEPRECIATION

Phys Cond	GD - Good	17%
Functional		%
Economic		%
Special		%
Override		%
Total		17.4%

# CALC SUMMARY

Basic \$	\$92.60
Size Adj	1.00000000
Cont Adj	1.04448640
Adj S	\$296.719
Other Features	7000
Grade Factor	1.00
Neighborhood Inf	1.20000005
LUC Factor	1.00
Adj Total	139550
Depreciation	24282
Depreciated Total	115268

# PEC FEATURES/YARD ITEMS

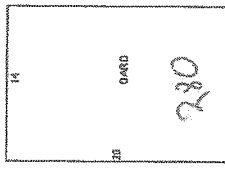
Code	Description	A	YS	Qty	Size/Dim	Qual	Con	Year	Unit Price	Dis	Dep	QC	Fat	HB Fa	Appr Value
HD	SHED/FR	D	Y	154		C	AV	1922	12.13 T	70	C		1.2		200
HD	SHED/FR	D	Y	130		C	AV	1985	14.00 T	28	C		1.2		400

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Total Yard Items 600

# SKETCH



# COMMENTS

TINY TOTS PRESCHOOL

# RESIDENTIAL GRID

1st Res Grid	Desc	Line 1	# Units
Level	FR	LR	DR
Other			
Upper			
LV1/2			
LV1			
Lower			
Totals	RMst:0	BRs:0	Baths:1

# REMODELING

Exterior					
Interior					
Additions					
Kitchen					
Baths					
Plumbing					
Electric					
Heating					
General					
Totals					

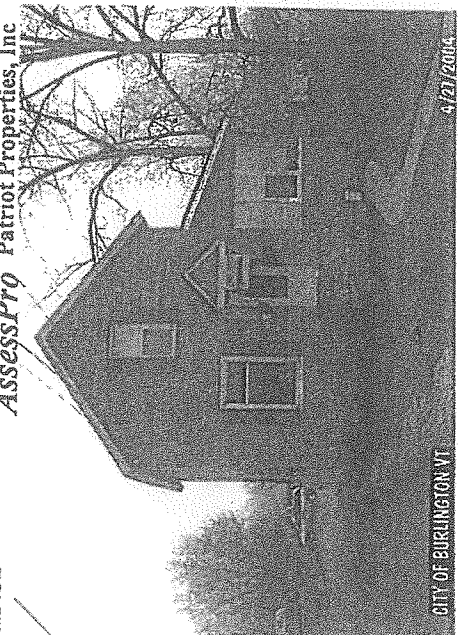
# COMPARABLE SALES

Rate	Parcel ID	Type	Date	Sale Price
63.6	045-2-048-000		6/17/2004	700,000
59.5	044-3-092-000		10/29/2004	80,000
55.5	049-1-16-001		3/29/2004	365,000
54.1	044-3-281-000		10/7/2004	240,000
WtAve/SqFt			AvRate:58.17	Ind Val:149,400.0000
Units Factor			Val/Sq Ft:117.65	
Special Features			Val/Sq Ft:54.34	
Final Total	115300		Val/Sq Ft:117.71	

# PARCEL ID 024-2-036-000

Code	Description	Area	SB	%	Descr	%	Qu	Ten
FFL	1ST FLOOR	642						
BMT	BASEMENT	450						
HST	HALF STORY	338						
GARD	GARAGE DET	280						
WDK	WOOD DECK	220						
CRL	CRAWL SPACE	192						
Net Sketched Area	2,122							
Size Adj	979.5	Gross Area	2234	Fin Area	980			

# IMAGE

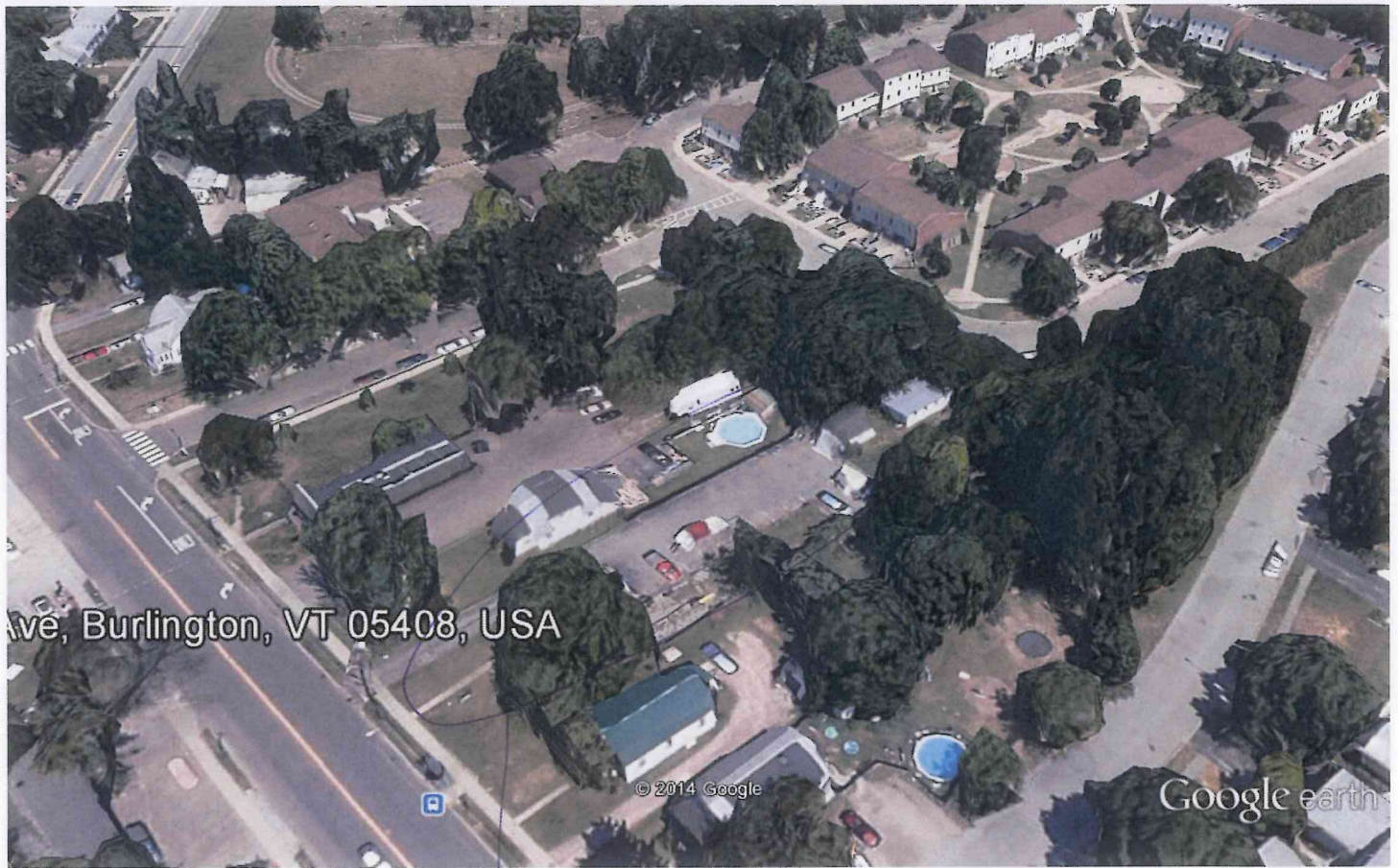


AssessPro Patriot Properties, Inc

CITY OF BURLINGTON VT

4/21/2004

Revised 7/28



Google earth

feet  
meters

200  
60



1540 proximity

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1540 North Ave

